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DANIEL G. FIELD

P.O. BOX 635
PARKER, AZ 85344
(928) 669-1649/FAX (928) 669-1649
BAR NO. 010990

2003 JAN 23 P 1:51

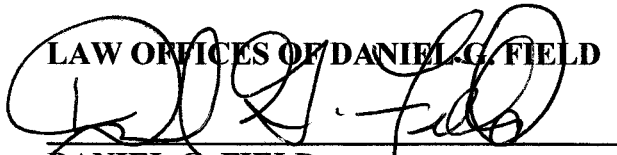
AZ CORP COMMISSION
DOCUMENT CONTROL

**BEFORE THE UTILITIES HEARING DIVISION OF THE CORPORATION
COMMISSION IN AND FOR THE STATE OF ARIZONA**

In the Matter of the Application for a Certificate)
of Convenience and Necessity for Water Services) Docket No. W-04106A-02-0312
by Cibola Mutual Water Company, a Nonprofit)
Arizona Corporation,) NOTICE OF APPEARANCE
Applicant.) OF COUNSEL + COPY OF
CMWC FRANCHISE RESOLUTION

COMES NOW, the undersigned, Daniel G. Field, of the LAW OFFICES OF DANIEL G. FIELD, P.O. Box 635, Parker, Arizona, 85344 ((28) 669-1649 and hereby enters his appearance as attorney of record representing the Applicant, CIBOLA MUTUAL WATER COMPANY, in the above-captioned action.

DATED this 21st day of January, 2003.

LAW OFFICES OF DANIEL G. FIELD

DANIEL G. FIELD
Attorney for the Applicant

This document was mailed, filed or
hand-delivered this ___ day of
January, 2003 to:

Hearing Officer Stern
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

Arizona Corporation Commission
DOCKETED

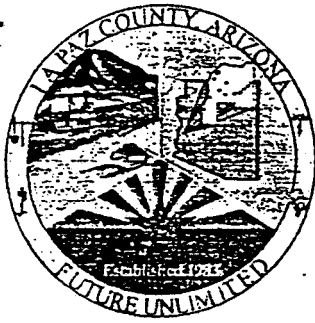
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Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

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| DOCKETED BY |  |
|-------------|---|

Jack Woodland
P.O. Box 6
Palo Verde, CA 92266

By: 



La Paz County Board of Supervisors

1108 Joshua Avenue

Parker, Arizona 85344

(520) 669-6115

TDD (520) 669-8400

Fax (520) 669-9709

Gene Fisher - District 1
Clifford Edey - District 2
Jay W. Howe - District 3

Donna J. Hale - Clerk of the Board
Charles E. Wilson - County Administrator

December 27, 2001

Mr. Bob Corbet, President
Cibola Mutual Water Company, Inc.
RR 2 Box
Cibola, AZ 85328

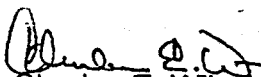
RE: ***Cibola Mutual Water Company, Inc. Franchise/License and
Resolution No. 01-27***

Dear Mr. Corbet:

Enclosed please find a copy of the recorded Franchise/License Agreement and Resolution No. 01-27, approved by the La Paz County Board of Supervisors at their December 17, 2001, Regular Meeting, for your records.

Should you have any questions, please feel free to call me at (928) 669-6115.

Sincerely,


Charles E. Wilson
County Administrator

CEW:dsp

Enclosure

franchise info.cmwc-ltr

Recording Requested By

And When Recorded Mail To:

LA PAZ CO - BOS



2001-05137

Page 1 of 3

Requested By: LA PAZ CO BOS

PATRICIA L WALL, RECORDER

OFFICIAL RECORDS OF LA PAZ COUNTY, AZ

12/17/2001 04:33 PM Recording Fee \$0.00

(This space reserved for recording information)

CAPTION HEADING:

Resolution 01-27



La Paz County Board of Supervisors

1108 Joshua Avenue

Parker, Arizona 85344

(520) 669-6115

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RESOLUTION NO. 01-27

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LA PAZ, ARIZONA, APPROVING THE CIBOLA MUTUAL WATER COMPANY, INC. FRANCHISE/LICENSE

WHEREAS, Cibola Mutual Water Company, Inc., an Arizona Corporation duly authorized to conduct business in the State of Arizona, filed an Application with the La Paz County Board of Supervisors, bearing the date of August 24, 2001, requesting the right, privilege, license and franchise to construct, operate and maintain water lines and associated facilities along and across the public streets, alleys and highways, within the area located in La Paz County, Arizona, known and described as follows:

That portion of Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, & the South Half of Section 15, lying South and East of the Colorado River, Township 1 North, Range 23 West, Gila and Salt River Base and Meridian, La Paz County, Arizona.

Sections 24, 25, & 36 Township 1, North, Range 24 West lying South and East of the Colorado River, Gila and Salt River Base and Meridian, La Paz County, Arizona.

Section 5, East Half Section 6, East Half Section 7, Township 1 South, Range 23 West, Gila and Salt River Base and Meridian, La Paz County, Arizona; and

WHEREAS, the La Paz County Board of Supervisors accepted said application at their Regular Board Meeting held November 19, 2001; and

WHEREAS, pursuant to A.R.S. § 40-283(E), a Notice of Intent to Grant Franchise, setting a Public Hearing on said application to be held on December 17, 2001, at 10:00 a.m., was advertised for each of three (3) consecutive weeks prior to the date set for Public Hearing and consideration of action; and

Resolution No. 01-27
Page 2



WHEREAS, a Public Hearing on said application was held before the Board of Supervisors on December 17, 2001, at 10:00 a.m.

NOW, THEREFORE, BE IT RESOLVED, that on December 17, 2001, the La Paz County Board of Supervisors unanimously grants a Franchise/License to Cibola Mutual Water Company, Inc. to construct, maintain and operate a domestic water distribution system in La Paz County, State of Arizona.

PASSED, ADOPTED AND APPROVED by the La Paz County Board of Supervisors this *17th* day of *December, 2001*.

APPROVED:


Gene Fisher, Chairman of the Board



Donna Hale, Clerk of the Board

APPROVED AS TO FORM:

 12/17/01
R. Glenn Buckelew, County Attorney

When Recorded
Return To:
LA PAZ CO BOS



2001-05138

Page 1 of 8

Requested By: LA PAZ CO BOS
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OFFICIAL RECORDS OF LA PAZ COUNTY, AZ
12/17/2001 04:33 PM Recording Fee \$0.00

BEFORE THE BOARD OF SUPERVISORS

OF

LA PAZ COUNTY, STATE OF ARIZONA

In the Matter of the Application of)

Cibola Mutual Water Company, Inc.)
Cibola, Arizona)

FRANCHISE/LICENSE

**ALLOWING CIBOLA MUTUAL WATER COMPANY, INC.
CONDITIONAL USE OF PUBLIC WAYS**

(Pursuant to Arizona Revised Statutes, Title 40, Chapter 2, Article 4, Section 40-283)

December 17, 2001

APPLICANT

Cibola Mutual Water Company, Inc., an Arizona Corporation duly authorized to conduct business in the State of Arizona - hereinafter "CMWC" - which shall and does include its successors and assigns.

COUNTY

The County of La Paz, State of Arizona, by and through the La Paz County Board of Supervisors, hereinafter "the Board".

PURPOSE

WHEREAS, CMWC, duly filed and presented its Application for a Franchise to the Board on November 19, 2001, in accordance with Arizona Revised Statutes Section 40-283, for the purposes of constructing, operating and

maintaining water lines and associated facilities along and across the public streets, alleys and highways, (hereinafter "public roadways"), within the area located in La Paz County, Arizona, as described in Exhibit "A" attached hereto and made part of this Franchise by reference.

WHEREAS, CMWC has received or will receive a Certificate of Necessity and Convenience from the Arizona Corporation Commission to establish and maintain water services in the areas described in Exhibit "A".

WHEREAS, upon receiving said application from CMWC the Board ordered public notice of the intention of the Board to make such grant by publishing the notice in a newspaper of general circulation in La Paz County, State of Arizona. Said public notice advised that the time and place for the Board to consider the granting of said Franchise was set for 10:00 a.m. on the 17th day of December, 2001, at the La Paz County Board of Supervisors meeting room, 1108 Joshua Avenue, Parker, Arizona.

WHEREAS, the Application came regularly before the Board at the time and place set forth by required public notices; and

The Board determines the required public notices to be sufficient and timely; and

The Board determines CMWC's Application to be adequate and sufficient in form; and

The Board determines the public hearing to have shown the need for a suitable water distribution system in the subject areas; and

The Board determines that no prevailing objections have been offered;

GRANT OF FRANCHISE

NOW THEREFORE, the Board, acting on behalf of the County of La Paz, State of Arizona, does hereby grant unto CMWC the right, privilege, license and

Franchise to construct, maintain and operate a domestic water distribution system for a period not to exceed twenty-five (25) years or for a period of one (1) year after the Franchised area is annexed by a municipality, whichever is shorter, along, upon, under and across the public roadways (excepting State Highways) within that portion of La Paz County, Arizona detailed in Exhibit "A", under such restrictions and limitations and upon such terms as the Board at any time may provide, not inconsistent with the laws of the State of Arizona, or the orders and rules of the Arizona Corporation Commission, specifically providing, however, that:

- 1) All rights hereunder are granted under the express condition that the Board shall have the power at any time to impose such restrictions and limitations and to make such regulations on such public roadways as may be deemed best for the public safety, health, welfare and convenience.
- 2) All rights hereby granted shall be exercised so as not to interfere or conflict with any easements or rights-of-way previously granted by the Board and now in force.
- 3) All rights hereby granted shall be exercised so as not to interfere or conflict with any easement, either public or private, of any nature, which has been acquired in or to the proper use of said public roadways or any portion thereof.
- 4) All rights hereby granted shall be exercised so as not to interfere or conflict or endanger in any way the proper use by the public of said highways, roads or thoroughfares or any portion thereof.
- 5) In accordance with A.R.S. §40-283(C), CMWC shall bear all expenses incurred including damages and compensation for the alteration of the course, direction, surface, grade or alignment of any of the said

highways, roads or thoroughfares made by CMWC for the purpose of this Franchise.

6) CMWC will maintain its equipment in good operating condition at all times without the necessity of notice from La Paz County. If CMWC shall fail to make any repairs affecting service, safety, or water quality within ten (10) days from the time the repairs become necessary, then La Paz County may cause the repairs to be made and CMWC agrees to pay La Paz County for the cost of said repairs.

7) All property necessary for the exercise of the Franchise shall be installed and operated by CMWC and shall be placed, removed or relocated, initially and throughout the term of this Franchise, along, in, over, under and across said public roadways, in such a manner and location as the Board or its duly authorized agent may designate. Such placement, removal or relocation of property shall be done at the sole expense of CMWC upon a determination by the Board that such placement, removal or relocation is necessary.

If CMWC fails or refuses so to place, remove or relocate property, La Paz County may do so at the sole expense of CMWC, such expense to include any and all damages and compensation of any nature arising therefrom.

Any finding or determination made by the Board pursuant hereto shall be final and binding upon CMWC whether or not such findings or determinations relate to the requirements of public safety or welfare, the use of public roads or the need for proposed improvements, and whether or not the function to be served by such placement, removal or relocation is of a governmental or proprietary nature.

In this section, "property" includes conduits, pipes, wires, poles, or other structures and appliances used to supply or deal in gas, electricity, lights, heat, water, refrigeration, power, telephones, telegraph, television and other public utilities.

8) CMWC shall indemnify and save harmless La Paz County from all costs, expenses and liabilities in connection with the granting of this Franchise and its exercise by CMWC.

9) The rights of any person claiming to be injured in any manner by CMWC, or the maintenance of its projects and equipment, shall not be affected by this Franchise.

10) The terms and conditions of this Franchise shall bind the successors, heirs and assigns of CMWC.

11) This Franchise is not exclusive and the Board hereby expressly reserves the right and power to grant similar franchises and privileges over the same territory, highways, roads and thoroughfares.

12) This Franchise is granted on the express condition that CMWC obtain a Certificate of Necessity and Convenience from the Arizona Corporation Commission within six months of the date of this Franchise. If such Certificate is not granted within six months, this Franchise shall be void.

13) All materials and construction methods used with the public rights-of-way shall conform to the applicable federal, state and local standards, specifications and special provisions currently in effect in La Paz County.

14) CMWC shall obtain appropriate construction permits from La Paz County before construction of any facilities on the public roadways.

15) La Paz County retains the right to impose a franchise fee, or if a franchise fee has already been imposed to increase the franchise fee, at any time while this agreement remains in effect, if permitted by law and deemed to be in the best interests of La Paz County by the Board of Supervisors, which fee or increase in fee shall be prospective from the date of its enactment. Notwithstanding anything to the contrary herein contained, Franchisee may terminate this agreement within the first thirty (30) days after imposition or increase of a franchise fee by La Paz County.

DATED this 17th day of December, 2001.

LA PAZ COUNTY BOARD OF SUPERVISORS

By: *Gene Fisher*
Chairman


 *Gene Fisher*
the Board of Supervisors

EXHIBIT "A"

**FRANCHISE AREA OF
CIBOLA MUTUAL WATER COMPANY, INC.**

LEGAL DESCRIPTION

Section 5, East Half Section 6, East Half Section 7, Township 1 South, Range 23 West, Gila & Salt River Meridian, La Paz County, Arizona, and

Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34 and the South Half of Section 15, Township 1 North, Range 23 West, Gila & Salt River Meridian, La Paz County, Arizona, and

Sections 24, 25 and 36, Township 1 North, Range 24 West, Gila & Salt River Meridian, La Paz County, Arizona.



September 28, 2001
TEI J.N. 437012

County: **LA PAZ**

Range: **23 West**

Range 24
West

River

Colorado

Township: **1 North**

Township: **1 South**

Range 24 West

Range: **23 West**

Cibola Mutual Water Company, Inc.

LEGAL DESCRIPTION

That portion of Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, & the South Half of Section 15, lying South and East of the Colorado River, Township 1 North, Range 23 West, Gila and Salt River Base and Meridian, La Paz County, Arizona.

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